

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

Ex parte WILLIAM RUSSELL BELKNAP  
and STEVEN VICTOR KAUFFMAN

---

Application No. 09/986,248

---

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

---



This application was received electronically at the Board of Patent Appeals and Interferences on June 15, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

Upon review of the Examiner's Answer mailed on January 17, 2006, the Evidence Relied Upon section, page 2, paragraph 8, the examiner has stated that "No evidence is relied upon by the examiner in the rejection of the claims under appeal." A review of the file reveals that references to Halpern (Patent No. 6,282,711), and Feinmen (U.S. Patent No. 6,075,943) were applied to the statement of rejections in the Grounds of Rejection, paragraph (9)

of the examiner's answer. Before further review, the examiner must submit a corrected examiner's answer that will include in the Evidence Relied Upon section, the list of references mentioned in the statement of rejections. See the Manual of Patent Examining Procedure, (MPEP) § 1207.02. Appropriate correction is required.

Accordingly, it is

**ORDERED** that the application is returned to the Examiner for:

- 1) vacate the Examiner's Answer mailed January 17, 2006, and issue a revised Examiner's Answer having the missing references listed under the Evidence Relied Upon section, paragraph (8); and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: 

DALE M. SHAW  
DEPUTY CHIEF APPEAL Administrator  
(571) 272-9797

DMS/dal

Application No. 09/986,248

3

SUGHRUE MION, PLLC  
2100 PENNSYLVANIA AVE.  
STE. 800  
WASHINGTON, D.C. 20037